

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JULIE SU, SECRETARY OF LABOR, UNITED STATES DEPARTMENT OF LABOR, Plaintiff, v. BENE MARKET, LLC, et al, Defendants.	: : : : : : : : : : : :	CIVIL ACTION No. 20-4265
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ORDER

AND NOW, this 19th day of March, 2024, upon review of Plaintiff’s Motion for Partial Summary Judgment, Defendants’ Motion for Summary Judgment, and all briefs, responses and replies, and after oral argument being held, it is hereby **ORDERED** as follows:

1. Plaintiff’s Motion for Partial Summary Judgment (ECF 79) is **GRANTED**;
2. Defendants’ Motion for Summary Judgment (ECF 80) is **DENIED**;
3. Defendants’ employees are entitled to the protections of the overtime provisions of the FLSA;
4. Defendants’ employees are also individually covered by the FLSA because they engaged in interstate commerce;
5. Defendant Alan Redmond is jointly and severally liable as an “employer” under Section 3(d) of the FLSA;
6. Defendant Stephanie Miller is jointly and severally liable as an “employer” under Section 3(d) of the FLSA;
7. Defendants violated the Section 7 overtime provisions of the FLSA;

8. Defendants violated the Section 6 minimum wage provisions of the FLSA;
9. Defendants violated the Section 11(c) recordkeeping provisions of the FLSA;
10. Defendants' overtime violations of the FLSA were willful;
11. Defendants are liable for an amount of liquidated damages equal to the amount of back wages owed in this case under Section 16(b) of the FLSA;
12. Defendants are hereby **PERMANENTLY ENJOINED** from further violations of the FLSA as follows:

a. Defendants are enjoined from failing to pay their employees minimum wage in violation of Sections 6 and 15(a)(2) of the FLSA and withholding such compensation owed to employees;.

b. Defendants are enjoined from failing to pay their employees overtime compensation at one and one half of their regular rates of pay for all overtime hours worked in excess of 40 hours in a week, in violation of Sections 7 and 15(a)(2) of the FLSA and withholding such overtime compensation owed to employees; and

c. Defendants are enjoined from failing to make, keep, and preserve complete and accurate records of their employees and of the wages, hours, and other conditions of employment which they maintain as prescribed by Section 11(c) of the FLSA and the Regulations issued and found at 29 C.F.R. Part 516.

BY THE COURT:

/s/ Jeffrey L. Schmehl
Jeffrey L. Schmehl, J.